

ARREST WIRELESS PROMOTERS

HIGH PRICES IN PEDDLING STOCK
ALLEGED BY POST OFFICE.

Head Office, of United Wireless Under
Heavy Bail Stock in a \$20,000,000
Concern, Alleged to Be Worth \$400,000,
Sold at 3 Times Par Value.

An investigation of the stock selling
methods of officials of the United Wire-
less company undertaken by agents
of the Post Office Department nearly a
year ago culminated yesterday in the
arrest of Christopher C. Wilson and
Samuel S. Bogart, president and vice-
president of the company, and William
W. Tompkins, president of the New York
Selling Agency, which advertised United
Wireless stocks. They are accused of
using the mails to promote a scheme to
defraud by selling, sometimes at five
times the par value, many thousands
shares in a concern capitalized at \$20,000,000
and alleged to be worth only \$400,000.
There are 28,000 stockholders.

Wilson and Bogart were arrested at
the offices of the company at 42 Broadway
by Chief Inspector Mayer and Inspectors
O'Brien and Keene of the Post Office De-
partment. At the same time the offices
of the company were raided and an auto-
mobile load of books and papers was taken
to the Federal Building. Tompkins was
arrested later in the day at his country
home at Mahopac Falls and went to the
Tomb in default of \$10,000 bail. The
books and papers of the company in its
branch office at 45 Montgomery street,
Jersey City, were brought to the Federal
Building by A. C. Eke, transfer agent for
the company, acting under subpoena.

Wilson and Bogart were arraigned
before United States Commissioner
Shields, who held them for examination
on July 12. Assistant United States At-
torney Stevenson asked Commissioner
Shields to fix bail at \$50,000 each, but it
was finally decided to hold Wilson in
\$15,000 and Bogart in \$10,000. The Na-
tional Surety Company went on Wilson's
bond and Bogart found a friend in John
M. Robinson of Tea Neck, N. J.

How the complaint arose was not told,
but the opinion seemed to be that Ab-
raham, acting for clients who had pur-
chased wireless stock, had set the Govern-
ment on. Arthur N. King, who appeared
for Wilson and Bogart, said that Mr.
Gruher on behalf of certain stockholders
had informed the Post Office authorities
that the United Wireless was working a
scheme to defraud and had linked the
same of the wireless company with that
of the New York Selling Agency. In the
past before Commissioner Shields
Inspector Carter B. Keene stated that he
has reason to believe that Wilson, Bogart
and Tompkins had "devised a scheme and
artifice to defraud Michael O'Brien,"
another inspector and other persons
falsely representing that the United
Wireless Telegraph Company included
among its assets patents and patent
rights of a value of \$5,520,233.90, stocks
and bonds in other companies of the
value of \$14,148,610, real estate of the
value of \$25,000 and cash in treasury
\$17,448 and that the surplus over the
liabilities of the company amounted to
\$9,328,329, all of which representations
were false. The specific charge of using
the mails is based upon a letter addressed
to O'Brien.

Inspector Mayer is authority for the
statement that by selling stock, much of
which was got for nothing and the value
of which is held by the Post Office De-
partment to have been fraudulently stated,
one of the officers of the company has
cheated up over \$5,000,000 and that the
same amount taken in is close to \$20,000,000.

Lawyer King wouldn't let his clients
talk about these matters. He made the
following statement:
"This investigation by the Post Office
inspectors has been going on actively for
three months and potentially for a year.
They tried to hold up the mail at the Den-
ver office of the company. They de-
manded the company's mail and sent word
that it could be obtained if some one in
authority was sent to get it. I directed
my clients to send a clerk to demand the
mail and it was delivered to the clerk.
Five weeks ago they went to the Seattle,
Wash. office of the company and de-
manded information about the com-
pany. Upon advice this was refused and
the Post Office people were told that the
"proper place to apply was at the New York
office." Then Inspector O'Brien was sent
through the West to gather up data con-
cerning the company's dealings. Sifted
down the charge that stock owned by
certain officers of the company was sold
at outside purchasers and sellers prof-
ited."

Asked where the officers of the company
sold the stock which they sold Mr. King
said that it "on account of salary and
by purchase." He said too that he knew
that charges against the company had
been made by "stockholders who acquired
their stock illegally and who were refused
transfer of stock on the ground that it
had not been paid for." It was at this
point that Mr. King mentioned the action
taken by the Gruher on behalf of certain
stockholders and of the "linking" of the
wireless company with that of the New
York Selling Agency. This agency, Mr.
King said, had published ad-
vertisements not authorized by the wire-
less company, and two months ago the
company, desiring that it was dangerous
to do business with so reckless a concern,
had engaged its contracts. Mr. King
stated that the New York Selling Agency
had been of business. So far as could be
learned nearly all its business was in
United Wireless stocks.

According to Inspector Mayer the
stock of the United Wireless invented
a method whereby all the stock of that
company that was sold must be purchased
from him and no buyer could get any
share of the true value of its stock
offering it in the market. To this end
all outside purchasers were required to
accept stock certificates stamped
"not transferable until February 11,
1911." The authorized capital is \$20,000,000
offered. The officers, says Mayer,
expect to have had an almost unlimited
amount of stock to sell, and from time
to time the price they offered it at was

BONNIE MAGIN'S FATHER DEAD.

Daughter Finds Him Asphyxiated by Gas
in Their Summer Cottage.

John R. Magin, father of Bonnie Magin,
the actress, and once a partner of "Old
Hutch," the Chicago wheel operator, was
found dead yesterday afternoon in a
cottage which he had just taken for the
summer at Sea Cliff, L. I. His death was
caused by asphyxiation, which apparently
was accidental.

Mr. Magin routed what is known as the
Anderson cottage at Sea Cliff a week ago.
It was his plan to move his family, com-
prising his wife and two daughters, Bon-
nie and Ernie, out to Sea Cliff before the
week was over. He himself went out to
the cottage on Monday of the present
week to get everything ready.

On Monday night neighbors saw a light
burning in a bedroom on the first floor.
When on Tuesday one of the daughters
went out to Sea Cliff to see if she could
help about the arrangements she found
the cottage locked and apparently de-
serted. Thinking that her father had
come into town and that she had passed
him on the way she returned to New York.
The family watched for him that night,
but he did not come home.

Yesterday, thoroughly alarmed, the
young woman made a second trip to
Sea Cliff. This time she got men to force
the door of the cottage. Mr. Magin was
found dead in the bedroom in which the
light was seen on Monday night.

Coroner Cooks, who investigated the
death, concluded that Mr. Magin had
gone to sleep leaving the gas burning
and that the flame had been extinguished
and the gas allowed to fill the room.

Mr. Magin came to New York eight
years ago from Chicago, where he had
been a member of the Board of Trade
and a grain operator. He was 42 years
old.

A nephew, F. W. Magin, who lived with
Mr. Magin at the latter's home, 14 West
Sixtieth street, went out to Sea Cliff
yesterday afternoon and took charge
of the body.

PLAISTED FOR GOVERNOR.

Maine Democrats Name Son of Man Once
Elected to the Office.

AUGUSTA, Me., June 15.—Frederick W.
Plaisted, Mayor of Augusta, was nomi-
nated to-day for Governor in the Demo-
cratic State convention after a session
which lasted all day.

Mayor Plaisted received 575 votes,
while 311 votes were cast for Obadiah
Gardner of Rockland, who was the party's
nominee for Governor in 1908. When the
result was announced Mr. Gardner made
a speech in which he promised to do all
in his power toward the election of
Plaisted.

The platform includes planks favoring
the election of United States Senators
by the people, the enactment of a corrup-
tion law, the repeal of the so-called
Sturge enforcement law and the resubmis-
sion of the prohibitory liquor law to the
people.

In accepting the nomination for Gov-
ernor Mayor Plaisted said that he in-
tended to make an aggressive campaign,
to begin the latter part of this month
and keep on the stump until election
day, which will be the second Monday of
September.

Mayor Plaisted has been Mayor of
Augusta for four terms, is a former Demo-
cratic Sheriff of Kennebec county, has
been a delegate to several national con-
ventions, was formerly the Maine mem-
ber of the Democratic Congress commit-
tee and is a son of Gen. Harris M. Plaisted,
who thirty years ago was elected Gov-
ernor of the State by a fusion of the Demo-
crats and Greenbackers.

The convention also nominated Lamont
A. Stevens of Wells for the office of State
Auditor by acclamation.

PENNSYLVANIA DEMOCRATS.

State Ticket Named After Man Wanted
for Governor Had Refused.

ALLENTOWN, Pa., June 15.—This Demo-
cratic State ticket was shaken together
to-day from out the confusion following
the midnight withdrawal of C. La Rue
Mimsen of Williamsport as a candidate
for Governor when the nomination seemed
his to take if he wanted it.

For Governor—State Senator Webster
Grim of Doylestown, Bucks county.

For Lieutenant-Governor—Samuel B.
Price, a banker of Scranton, Lackawanna
county.

For State Treasurer—Samuel B. Philson,
another banker, of Myersdale, Somerset
county.

For Secretary of Internal Affairs—Ex-
Assemblyman James L. Blakelee of Lehigh-
ton, Carbon county.

Mr. Price was nominated after he had
wired refusal. The convention man-
agers insisted on nominating him any-
how.

HIS ESTATE TO HIS LIFE SAVER.

Francis Leaves All to Heirs of Otego
and Mrs. Schultz.

The will of Isaac Pickford Francis,
which was filed for probate yesterday,
leaves his entire residuary estate to
William P. Schultz of Otego, N. Y., who
saved him from drowning some years
ago, and gives \$1,000 in cash to Mrs. Etta
L. Schultz, wife of the chief beneficiary.
The provision of the will making the re-
siduary bequest said:

"I make this gift in recognition of his
having saved my life by rescuing me
from drowning at Five Mile Point, Otego
Lake, N. Y., and also in recognition of
his continuous kindness to me since
my father's death."

The testator provided that if Mr. Schultz
died before him the estate was to go to
Mrs. Schultz. He cut off his only rela-
tives, two grandchildren, Gerald Webb
Bennett and Mary Brainerd Bennett of
Colorado Springs.

The testator, who was 75 years old, died
at the New York Hospital on March
20. He had made his home at the Conti-
nental Hotel, Broadway and Twentieth
streets, for years, and persons there who
knew him said he had been retired from
business for years. He was thought to
be well to do.

THEY SPAT AND PAID \$1.

42 Brooklyn Bridge Offenders Caught by
the Health Squad and Fined.

Twenty-one policemen of the health
squad came down on unsuspecting men
who spat badly, meditatively or blithely
on the platform of the Brooklyn Bridge
yesterday morning. Magistrate Herbert
Henderson, one of the spitters \$1 apiece
in the Tombs court.

TO RELIEVE SUMMER EXHAUSTION.

Take Marshall's Acid Phosphate. It is cooling,
refreshing and invigorating. A delicious drink.
—Ad.

TO RETIRE JUSTICE MOODY

BILL TO PERMIT HIM TO RE-
SIGN WITH PAY.

Talk Already of President's Choice of a
Successor—Bowers and Wickersham
Not to Be Named, as They Could
Not Sit in the Oil and Tobacco Cases.

WASHINGTON, June 15.—A bill to permit
Associate Justice William H. Moody of
the United States Supreme Court to retire
on account of ill health was introduced
in the Senate to-day by Senator Lodge,
and in the House by Representative
Gillett, both of Massachusetts, and both
personal friends of the Justice. The bill
extends to Justice Moody the right to
benefit of the act which permits retire-
ment of Supreme Court members for age
and ten years service with pay.

Both Senator Lodge and Representative
Gillett heretofore have opposed all sug-
gestions relating to the retirement of
Justice Moody, and the introduction of the
bill in both houses to-day means that
Justice Moody's friends have persuaded
him that he ought to retire.

The bill will be reported from the
Senate Committee on the Judiciary to-
morrow and will be acted upon promptly
in both houses. It is expected that it
will be ready for the President's signature
within a few days. Under the terms of
the bill Justice Moody will have six months
in which to retire. His health is ex-
tremely precarious, however, and his
friends in Washington have just about
made up their minds that he will never
be able to resume his seat on the bench.
They expect to see him announce his re-
tirement as soon as the pending bill be-
comes a law.

One of the considerations that have
moved Justice Moody's friends to advise
him to retire is that the Standard Oil
and tobacco trust cases and the corpora-
tion tax cases ought to be heard by a
full bench when they come up for re-
argument next October. Members of
the Supreme Court itself believe that these
important cases should be decided by a
full bench, and the members of the
Taft administration are of like opinion.
If Justice Moody's successor is to take
part in the decisions on these cases he
will have to have been named before
Congress adjourns, which will probably
be the latter part of next week.

Justice Moody is now at his home in
Haverhill, Mass. He has been a sufferer
from rheumatism for a long time and
has not been able to occupy his seat on
the bench for almost a year. He was
appointed to the bench by President
Roosevelt in 1906, and would have almost
six years more to serve before he could
avail himself of the retirement with pay
provision for length of service. The
Justice is only 53 years old. The age
of retirement under the present statute
is 70. Justice Moody is not wealthy.
He has spent the greater part of his life
in the public service and is obliged to
depend more or less on his salary as a
Justice.

The bill introduced to-day mentions the
Justice by name. It provides that sec-
tion 711 of the Revised Statutes be re-
pealed and be made applicable to William
H. Moody, as Associate Justice of the
United States, in consequence of his
physical disability, notwithstanding he
has not served the full term of ten years
or attained the age of 70 years.

Unless Justice Moody resigns within
six months the act becomes void. There
is a precedent for legislation of this
character. In 1892 Congress passed a
law retiring Justice Ward Hunt of New
York with pay. Justice Hunt had suffered
a stroke of paralysis and had not been
able to sit on the bench for almost five
years.

The retirement of Justice Moody will
make the third member of the Supreme
Court that President Taft has been called
upon to appoint within the last year.
Justice Harlan and Justice Fuller are
already eligible to retirement on account
of age, and it is conceivable that Presi-
dent Taft, before his first term has ex-
pired, may have been called upon to
appoint a majority of the Supreme Court
of the United States. This is a duty that
President Taft himself has looked for-
ward to ever since he was inaugurated as
the most important that might con-
front his entire administration.

There is considerable speculation
already as to Justice Moody's successor
in the event of his retirement. Attorney-
General Wickersham and Lloyd W. Bowers,
Solicitor-General, who have been
favorably regarded by President Taft
for places on the Supreme Court bench,
will be ineligible to sit in the Standard
Oil and tobacco trust and corporation
tax cases. This will practically put them
out of consideration. It has been re-
ported that Secretary of War Dickinson
has aspirations to go on the bench and
that Mr. Taft is inclined to regard them
favorably. It is doubtful, however, if
the President would give this vacancy
to a Democrat. Judges Walter H. Nan-
born of St. Paul and Willis Van Devanter
of Cheyenne, Wyo., both members of
the Eighth Circuit, also were considered
by President Taft before he selected
Gov. Hughes to succeed Justice Brewer.
But they also are ineligible to consider
the Standard Oil case. Among others
that President Taft considered for the
recent vacancy caused by Justice Brewer's
death were Louis Marshall of the law
firm of Guggenheim, Untermyer & Mar-
shall of New York city and Justice Swasey
of the Supreme Court of New Jersey.

END OF YERKES RECEIVERSHIP.

\$103,362.95 Goes at Once to the Widow
on Account of Deceit.

The Yerkes estate receivership was
terminated yesterday by a final decree
in the United States Circuit Court.
Receiver C. C. Burlington has directed
to pay to Mary Adelaide Yerkes, the
widow, \$103,362.95 for dower and to turn
over the residuary assets to Louis S.
Owley. Executed for distribution by the
Illinois court some of the expenses of the
litigation are: Harrington Putnam, first
receiver, \$5,000; C. C. Burlington, second
receiver, \$24,000; special master E. G.
Benedict, \$500 and \$51.45 expenses; Joseph
P. Cotton, Jr., counsel to the receivers,
\$12,500; Cravath, Henderson & De Gers-
dorff, counsel for the Underwood Elec-
tric Railways Company, \$20,000 and
\$1,312.87 expenses.

RECEIVED BEAR SPRING WATER.

See page 4 of 6. Stoppage bottles—Adv.

SON TO MARRY WIDOW.

License Obtained by Bridegroom of 31
and Bride of 41.

Among the marriage licenses issued
yesterday at the City Hall was one to
Albert Rufus Thayer of Boston, who
described himself on his application form
as an artist, 31 years old, and a son of
George B. Thayer. The form filled out
by the bride to be said that she was Mary
Emma Thayer, 41 years old, daughter
of William C. Monroe of Boston and the
widow of George B. Thayer.

Boston, June 15.—Albert R. Thayer is
a newspaper artist who has been em-
ployed by several Boston newspapers for
some years, and in addition he did con-
siderable portrait work. It is supposed
here that the woman he took out a li-
cense to marry is his own stepmother,
Mary Emma Thayer, widow of George B.
Thayer, who managed a hotel in the
Back Bay for some years. The latter
died in December, 1908. They say his
sister and his stepmother have occupied
an apartment at the Hotel Oxford for
some time. They gave up their apart-
ment about six weeks ago and had left
no other address than that of the news-
paper where Thayer was employed.

Mrs. Mary E. Thayer became interested
in the New Life Gospel, a cult that had
for its purpose the unification of all the
religions of the world. Dr. John Fair
was the so-called "White Bishop" of the
cult and Mrs. Thayer became his secre-
tary early last year. She also had classes
in her apartment. About a year ago she
managed an exhibition of work of news-
paper artists.

The address 80 Summer Street, Boston,
given by the bride-to-be is the office of
a Boston newspaper where Thayer was
employed.

TRANSATLANTIC AIRSHIP.

German Design, English Built—To Fly
4,000 Miles and Stay Up 80 Hours.

Special Cable Despatch to THE SUN.

LONDON, June 15.—The Zeppelin com-
pany announces the completion of plans
for an entirely new type of airship de-
signed to cross the Atlantic. Although
the leading feature is wholly novel, the
airship embodies all the best points
of the Zeppelin and French airships.

The designer is a famous German en-
gineer, one of Count Zeppelin's friends
and his right hand man and a university
professor of engineering. At present
his name cannot be announced, but the
name of the airship is the Blue Bird.

Instead of the car and motor depending
below the body as in existing types the
body of the Blue Bird will be rendered
rigid by an arrangement which turns
the "keel" into the backbone of the airship
itself.

The keel is 160 feet long. It carries
four engines, a crew of ten and immense
reservoirs carrying five tons of petrol.
The engines, however, can use gas sepa-
rately or with petrol.

The ship can stay in the air eighty
hours. Its maximum speed will be fifty
miles an hour and its radius of action
will be 4,000 miles. It will be completed
at High Ground near Falmouth.

DEATH BY FLOOD IN EUROPE.

100 Victims in Switzerland and 35 in
Serbia Overrun by Floods.

Special Cable Despatch to THE SUN.

LONDON, June 15.—One report states
that fully a hundred persons have been
drowned in the Swiss floods. Several
railways have been compelled to stop
running.

Vast areas have been deluged and
houses in many places are flooded as high
as the second story. The agricultural
loss is immense.

BERLIN, June 15.—Overrun by flood
is still isolated by the floods. The Passion
Play has been postponed for a week.
Fifty houses in the town are uninhabitable.
About four hundred visitors are
held up and a shortage of food is
threatened.

BERNE, June 15.—There are serious
floods throughout Switzerland which are
affecting the districts most frequented
by tourists. The Aar has overflowed
its banks and is flooding Meiringen.
There have been three landslides be-
tween Grindelwald and Interlaken and
part of the railway has been destroyed.

BERGAMO, June 15.—Torrential rains
for several days have flooded the Valley
of the Morava and other districts. Se-
veral towns are submerged. Many houses
have collapsed and it is estimated that
thirty-five persons have been drowned.

FINE TO CHEATING MERCHANTS.

\$1,112 Taken From Short Weight and
Measure Offenders.

Eighty-one tradesmen accused of sell-
ing their wares short of weight or measure
were arraigned before Justice Washburn
Lynn in the Yorkville Municipal Court
yesterday and seventy-one were fined.
The total of the fines was \$1,112.

The Justice devoted the entire session
to hearing the complaints that were made
by Inspectors Hathaway and Morgan of
the Bureau of Weights and Measures. The
accused tradesmen were from various
parts of Manhattan. Several of them
had jointly engaged a lawyer to defend
them.

Giuseppe Bruzzo of 84 Mulberry street,
Inspector Hathaway said, had a quart
measure with a false bottom that made
the measure just a pint in capacity. Bruzzo
keeps a vegetable and fruit stand. The
Justice fined him \$25. Some grocers
whose scales were an ounce or two short
were penalized for \$25.

The Standard Coal Company of 330 East
112th street was fifty pounds short on 300
pounds of coal. "That calls for severe
punishment," said Justice Lynn as he
made the fine \$100.

A grocer was charged with having
scales half an ounce short on the pound.
"It is such a small defect that the Court
should dismiss the case, as the defendant
is a poor man," pleaded the lawyer.

"His customers are poor people and yet
he cheats them," retorted Assistant
Corporation Counsel Millard.

"I'll fine him \$10 as an argument for
honest weight," announced the Justice.

Joe's Wife Asks \$4,000.
Reno, Nev., June 15.—Ruth Helen
Well has filed a suit for divorce against
her husband, David L. Well, Judge of the
Seventh District Municipal Court of New
York city. The complaint is sealed and
the allegations have not been disclosed.
The couple separated about a year ago.
Mrs. David Well, the mother of Mrs. Well,
is with her daughter here.

HER TICKET IS NOT FOR SALE

COLORFUL GIRL GRADUATE SAYS
SHE'S GOING TO THE DANCE.

East Orange High School Still More
Stirred Up by Her Assertion That Her
Escort Will Be of Her Own Color
—Maybe There Won't Be Any Dance.

EAST ORANGE, N. J., June 15.—The color
line, ever a source of perplexity in the
East Orange schools, has yielded a new
trouble here. The graduating class at
the high school is in the thick of it
and it is all because Isabel Vandervall,
a colored girl and a member of the class,
insists on her right to attend the graduate
dance.

The tickets for the dance, which is to
take place on June 24 in the Woman's
Club of Orange, the most exclusive place
of entertainment in all the Oranges, with
the exception of the Essex County Coun-
try Club, were distributed among the
members of the class on Monday, but
Miss Vandervall was forgotten. While
in school yesterday she wrote a note to
John Hermann, manager of the dance,
asking him for her ticket, but received no
reply. To-day she wrote him at his home,
560 Park avenue, but does not expect an
answer before to-morrow.

Between the two writings Miss Vander-
vall, who had enlisted the assistance
of her father, induced the latter to pay
a visit to Mr. Hermann, and he did so,
but could not find the young man at home.

Miss Vandervall says that she did not
start the trouble. She was approached
tentatively by other members of her class
several days ago, who suggested that per-
haps she would not care to go to the dance
and that therefore she might be willing
to part with her ticket for a consideration.
Miss Vandervall replied that she intended
to go to the dance, intimating that she
would bring with her a male escort of her
own race.

When Miss Vandervall announced that
she wanted to go to the dance and in-
tended to do so some of her fellow students
held secret meetings and tried to devise
some way to circumvent her, but thus far
they seem to have arrived at no definite
plan. It is said that they con-
templated either holding the dance on
some other date or at some other place
and withholding the tip from Miss
Vandervall until too late for her to avail
herself of any inkling she might get of
the change.

The pupils have been very reticent about
their trouble, not taking into their con-
fidence either the principal of the school,
Charles W. Evans, or Supt. Vernon L.
Davey of the school system. Neither
had heard of the situation this afternoon
when he was asked about it.

There are eighty members of the high
school graduating class, all of whom with
the exception of Miss Vandervall are
sons or daughters of wealthy residents of
the city. Miss Vandervall, who lives at
71 Ashland avenue, is the daughter of
James N. Vandervall, proprietor of the
Essex Steam Carpet Cleaning Works. He
has lived in East Orange for a number of
years and is considered well to do.

Five years ago the race question was
raised by the Board of Education when
it sought to establish an ungraded class.
There were so many colored pupils in the
class that the colored residents of the
city took it to mean nothing more nor
less than a "Jim Crow" class. They held
public indignation meetings, at one of
which Judge John Franklin Fort, now
Governor, appeared and spoke in behalf
of the colored race. He stigmatized the
action of the Board of Education as un-
patriotic. The board eventually had to
abandon its ungraded class in the face
of the storm of protest.

The father of the young woman who
is the centre of the fuss would not say
to-day what course he intended to pursue,
but he intimated that he would make
another effort to obtain a ticket for his
daughter before doing anything else.
In case the ticket is refused him by young
Hermann he may seek redress in law. If
he should succeed in obtaining the ticket
for his daughter it is probable, so it is
said, that the dance will be abandoned.

John Hermann, who is the son of Edward
F. Hermann, a New York business man,
is backed up by the other members of the
class. They declare that Vandervall
cannot force them to give up the ticket
if they wish to withhold it.

CONVICTED OF REBELLING.

Lehigh, Reading and Bethlehem Steel Co.
Found to Have Misapplied Demurrage.

PHILADELPHIA, June 15.—A jury in
the United States District Court yesterday
declared that the Philadelphia and Lehigh
Railway and the Lehigh Valley Rail-
road had violated the Elkins act to regulate
interstate commerce by cancelling de-
murrage charges aggregating \$231,000
against the Bethlehem Steel Company,
and that the steel company violated the
act by soliciting and accepting the can-
cellation.

Criminal proceedings were instituted
by the Government against the two rail-
roads and the steel company and the case
went to trial on Monday. Witnesses
for the defence tried to show that the
railroads believed they were overcharging
the steel company for demurrage and
that they adjusted the matter to their
mutual satisfaction.

United States District Attorney Thomp-
son argued that if the railroads or the
steel company were under that impres-
sion it was their duty under the Elkins
act to make the adjustment through the
Interstate Commerce Commission.

There were two indictments against
the railroads. One was for failing strictly
to observe tariffs in connection with
transportation in interstate commerce
and the other was giving and granting
concessions. The charge against the
steel company was soliciting and accept-
ing the concessions. In the indictment
against the steel company there were 160
counts. There were 128 against the
Lehigh Valley and 32 against the Reading.

The penalty is a fine of not less than
\$2,000 and not more than \$20,000 on each
count. Judge Holland will pronounce
sentence to-morrow morning.

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